

HOUSE BILL 3084  
By Hargrove

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 86, relative to application of the emergency telephone service charge.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 86, is amended by adding the following new sections thereto:

Section \_\_\_\_\_. (a)(1) The general assembly finds and declares that the provision of emergency communications telephone service ("9-1-1") by emergency communications districts created and operating pursuant to this title has been successful and is fulfilling the original intent of the Emergency Communications District Law, which is to save lives, protect property, and lead to the swifter apprehension of felons.

(2) The general assembly further finds that it is the intent of the law to extend the emergency telephone service charge ("the ETSC") to all service users, regardless of technology, so the cost of the 9-1-1 service may be equitably distributed. To achieve this important purpose, it is necessary to authorize districts to exercise necessary and reasonable authority to levy the emergency telephone service charge, from time to time, upon any person, entity, or corporation receiving or having the ability to receive 9-1-1 service, and to declare that providers of access to such service users be deemed service suppliers, as defined in § 7-86-103, in order to have a fair and efficient means of collecting the emergency telephone service charge.

(b) Notwithstanding the provision of any other law to the contrary, it is the intent of the general assembly to levy the emergency telephone service charge upon all service users, without limitation of technology, specifically including wireless technologies, such as domestic public cellular radio telephone ("cellular phone") service.

(c) It is the intent of the general assembly that any person, corporation, or entity providing wireless or cellular phone service in Tennessee, whether or not regulated by public authority, shall be deemed to be a service supplier and shall be required to levy the emergency telephone service charge based on the jurisdiction of the cellular phone service user, as determined by billing address. Such service suppliers shall be subject to all other laws within this title applicable to service suppliers.

Section \_\_\_\_\_. (a) There is hereby created a classification of 9-1-1 service, in addition to residential and business classifications, which shall be known as wireless and include, without limitation, cellular phone service.

(b) The emergency telephone service charge levied upon wireless classification service users may equal, but may not exceed, the applicable rate for residential and business classification service users.

(c) The district may levy no more than the applicable residential classification rate upon a wireless service user unless the service user is a business or commercial person, entity, or corporation.

(d) The district board is authorized, in its sole discretion, to adopt regulations to facilitate the efficient and equitable application of the emergency telephone service charge to all service users, regardless of classification. Such regulations shall have the force and effect of law.

(e) All collections of the emergency telephone service charge by a cellular phone service supplier shall be paid to the applicable district, less any retainage allowed in this chapter.

Section \_\_\_\_\_. (a) The general assembly further finds that access to the 9-1-1 service is important to the life, safety, and well-being of the residents of Tennessee. Any service supplier, including providers of domestic public cellular radio telephone ("cellular phone") service, with the technological capability of allowing access to the 9-1-1 service, shall be required to provide access to the 9-1-1 service to all customers without penalty.

(b) The district may require service suppliers to provide the district, to the extent technologically feasible, automatic number identification (ANI) and automatic location information (ALI) for each 9-1-1 service caller.

SECTION 2. Tennessee Code Annotated, Section 7-86-103(7), is amended by adding the following language thereto:

or otherwise providing access to the 9-1-1 service by other technologies, including, but not limited to, domestic public cellular radio telephone service

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

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